

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 7, 2004

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

Each of the following:

B171015 Peo v. Estrada
B169638 Peo v. Ornelas
B170424 Peo v. Nunerly

Argument waived, cause submitted.

B165939 Timothy Yeung
v.
Emery Soos

Merits:
Argued by Emery Soos, appellant in propria persona and by Michael S.
Robinson for respondents. Cause submitted.

Court recessed at 9:15 a.m.

Court reconvened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

B167223 People v. Arrellano & Moreno

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B171012 Joseph Haffley
 v.
 City of El Segundo

Merits:
Argued by Kathryn Albarian for appellants and by Stephen A. McEwen for respondent. Cause submitted.

B171606 Shawn Shelton
 v.
 City of Manhattan Beach, et al.

Merits:
Argued by Mickey J. Wheatley for appellant and by Craig A. Horowitz for respondents. Cause submitted.

Court recessed at 10:35 a.m.

Court reconvened at 10:45 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J., and J. Belcher, Deputy Clerk.

Each of the following:

B168414 Peo v. Grandberry
B170927 Edwards on Habeas Corpus
B167673 Peo v. Roel
B172209 DCFS v. Monique

Argument waived, cause submitted.

B169792 Barbara Kappos
 v.
 Mike Krokidas

Merits:
Argued by Link K. Schwartz for appellant and by Randy W. Medina for respondents. Cause submitted.

June 7, 2004 (Continued)

DIVISION FIVE (Continued)

Court recessed at 11:15 a.m.

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Armstrong, J., Mosk, J., and J. Belcher, Deputy Clerk.

B167503 Dubelko v. Abdalla

Argument waived, cause submitted.

B165050 Heliodoro Radillo
v.
Behavioral Health Services, et al.

Merits:
Argued by Scott F. Craig for appellant and by Mark Schreiber for respondents. Cause submitted.

Court adjourned at 1:20 p.m.

B173155 People
v.
Kaveh Khaleghi

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B170949 Murrieta (Not for Publication)
v.
Murrieta

The judgment is affirmed. Respondent shall recover his costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B167415 People (Not for Publication)
v.
Santana

The sentence is modified to strike the 10-year term added to the murder sentences pursuant to section 186.22, subdivision (b). The superior court shall modify the abstract of judgment accordingly. (See section 186.22, subd. (b)(5).) This modification does not alter the sentence for robbery (count 4). The clerk of the superior court shall forward a copy of the amended abstract of judgment to the Department of Corrections. As so modified, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B167811 Oliney (Not for Publication)
v.
Oliney

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B168164 Cesena Company, Inc. (Not for Publication)
v.
FTR International, Inc.

The judgment is reversed. The cause is remanded to the trial court with directions to enter a new judgment in favor of FTR. FTR is to recover its costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

B162762 Fotheringham (Not for Publication)
v.
Avery Dennison Corporation

The judgment is reversed. On remand, the trial court is directed to vacate its August 4, 2000 and December 4, 2000 orders compelling arbitration, its October 9, 2002 order denying Fotheringham's petition to vacate the arbitration award and its October 10, 2002 order confirming the arbitration award, to vacate the order denying as moot Fotheringham's motion to amend her complaint and to rule on the merits of that motion and to conduct further proceedings not inconsistent with this opinion. Fotheringham is to recover her costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

B166387 People (Not for Publication)
v.
Causey

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B170619 Los Angeles County, D.C.S. (Not for Publication)
v.
Maria P.

The order denying Maria's section 388 petition is affirmed. The order terminating parental rights is vacated, and this matter is remanded for a new section 366.26 hearing in conformity with the views expressed in this opinion.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B172019 Country Villa Claremont Healthcare Ctr., Inc. (Not for Publication)
v.
Superior Court, Los Angeles County
(Rodriguez et al., r.p.i.)

The petition for writ of mandate is denied. The order to show cause, having served its purpose, is discharged. The matter is remanded to the superior court for further proceedings. Real parties shall recover their costs of petition from Country Villa.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B168612 Los Angeles County, D.C.S. (Not for Publication)
v.
Christopher s.

The appeal is dismissed.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B168918 People (Not for Publication)
v.
McMeans

On counts 2, 3, 7 and 8, the enhancements of Penal Code sections 12022, subdivision (a)(1) and 12022.5, subdivision (a)(1) are stricken. On count 3, the abstract of judgment is modified to reflect a consecutive eight-month term, plus 40 months for the firearm personal-use enhancement (Pen. Code S 12022.53, subd. (b)). The sentence imposed in count 1 is reversed and the cause is remanded to the trial court with directions to resentence McMeans on count 1 and to prepare an amended abstract of judgment consistent with the views expressed in this opinion. In all other respects the judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B166638 People (Not for Publication)
v.
Anthony C.

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION EIGHT

B158715 Spinner, et al.
v.
Rowell, etc., et al.

Filed order denying petition for rehearing.

June 7, 2004 (Continued)

DIVISION EIGHT (Continued)

B172080 Bell, et al.
 v.
 Weems

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed November 26, 2003) dismissed.